

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ELMER LUCAS, et. al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:10-CV-00582-DGK
)	
JERUSALEM CAFÉ, LLC, et. al.,)	
)	
Defendants.)	

ORDER GRANTING MOTIONS IN LIMINE

This case is brought under the Fair Labor Standards Act (“FLSA”). Plaintiffs allege Defendants have not paid them overtime wages they are due. Pending before the Court are Plaintiffs’ Motion *In Limine* to preclude any mention of Plaintiffs’ immigration status (doc. 38), and Defendant’s Motion *In Limine* (doc. 40) to exclude evidence relating to Defendants’ race, religion, or national origin. For the following reasons, both motions are GRANTED.

1. Evidence of Plaintiffs’ immigration status is excluded.

All six Plaintiffs are Guatemalan nationals living in this country. Their claims turn on such facts as how many hours they worked, if any; whether Defendants’ had knowledge of any overtime Plaintiffs worked; and how much Defendants paid Plaintiffs. Even if they were working in the United States illegally, their immigration status is irrelevant. Illegal aliens have a right to recover unpaid wages under the FLSA. *Jin-Ming Lin v. Chinatown Restaurant Corp.*, 771 F. Supp. 2d 185, 190 (D. Mass. 2011). But, even if Plaintiffs’ immigration status were relevant, its prejudicial impact would substantially outweigh its probative value. FRE 403. Defendants will not be permitted to back-door such evidence by testifying that they “befriended

the Plaintiffs and allowed them to assist in various tasks inside and outside of Jerusalem Café but never gave them employment due to [their illegal immigration] status.”

2. Evidence relating to Defendants' race, religion, or national origin is excluded.

Plaintiffs do not oppose Defendants' motion, and it is granted.

IT IS SO ORDERED.

DATE: September 27, 2011

/s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT